



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

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September 30, 2010

Mr. Walt Seifert
Executive Director
Sacramento Area Bicycle Advocates

REDACTED

Warning Letter Re: FPPC No. 10/816, Walt Seifert / Sacramento Area Bicycle Advocates

Dear Mr. Seifert:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a referral from the California Secretary of State that alleged the Sacramento Area Bicycle Advocates (SABA) violated the Act's lobbying reporting provisions by failing to timely file required reports.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that SABA violated the Act by failing to timely file its Form 635s for each of the following time periods: January 1, 2008 through March 31, 2008; April 1, 2008 through June 30, 2008; July 1, 2008 through September 30, 2008; and October 1, 2008 through December 31, 2008.

Section 86115 of the Act provides that lobbyist employers must file periodic reports. Section 82039.5 of the Act defines a lobbyist employer as an entity that either "[e]mploys one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action" or "[c]ontracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action." Section 86117(a) provides that these reports "shall be filed during the month following each calendar quarter."

The timing of the Act's lobbyist filing obligations is based on California's biannual legislative cycle. See section 86106. A lobbyist employer is obligated to fulfill its quarterly reporting requirements until 1) the end of the legislative session in which the lobbyist employer is active or 2) the lobbyist employer files the appropriate termination paperwork. For example, section 86107(a) provides as follows: "Lobbying firms and lobbyist employers which, during a regular session of the Legislature, cease

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

all activity which required registration shall file a notice of termination within 20 days after such cessation. Lobbying firms and lobbyist employers which at the close of a regular session of the Legislature cease all activity which required registration, shall not be required to file a notice of termination."

You did not employ a lobbyist during the time periods for which you are missing reports. However, SABA had previously been active during the legislative session. As such, SABA was still obligated to file because it was neither terminated, nor had the legislative session ended. Despite the fact that you were no longer employing a lobbyist, you attempted unsuccessfully to file with the California Secretary of State. For this reason, we are resolving this case with a warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have further questions regarding this matter, please contact Jennifer Reimer at 916-322-8222.

Sincerely,

REDACTED ✓

✓ Gary S. Winuk
Chief, Enforcement Division

cc: Gloria Gilmore
Political Reform Division
California Secretary of State

GSW/jr